

## Message Text

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44

ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 SCA-01 CIAE-00 DODE-00 PM-03

H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02

SS-15 USIA-06 CPR-01 IO-10 /070 W

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P R 011801Z AUG 75

FM AMEMBASSY BERLIN

TO SECSTATE WASHDC PRIORITY 1161

INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY MOSCOW

USMISSION USBERLIN

USMISSION NATO

C O N F I D E N T I A L BERLIN 6114

EO 11652: GDS

TAGS: PFOR, CGEN, GE

SUBJECT: US-GDR CONSULAR CONVENTION NEGOTIATIONS: SECOND ROUND

REFS: BERLIN 6052 AND 6076, STATE 165349

1. THE SECOND ROUND OF BILATERAL NEGOTIATIONS ENDED ON THE AFTERNOON OF FRIDAY, AUGUST 1, 1975 WITH THE SIGNING OF A PROTOCOL (MEMORANDUM OF UNDERSTANDING) RELATING TO THE PROGRESS MADE BY BOTH SIDES IN REACHING AGREEMENT ON A CONSULAR CONVENTION. IT WAS UNDERSTOOD BY BOTH SIDES THAT THIS PROTOCOL WOULD SERVE MERELY AS AN INTERNAL WORKING DOCUMENT, RECORDING THE DISCUSSIONS HELD AND WOULD FORM THE BASIS FOR ORGANIZING A THIRD ROUND WHEN SCHEDULED.

2. THE HEAD OF EACH DELEGATION EXPRESSED HIS APPRECIATION FOR THE FRANK AND OPEN EXCHANGES OF VIEWS WHICH HAD TAKEN PLACE DURING THE ENTIRE TWO-  
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WEEK PERIOD, AND FOR THE SINCERE EFFORT ON BOTH

SIDES TO RESOLVE MANY OF THE DIFFERENCES WHICH EXISTED AT THE BEGINNING OF THIS ROUND. EACH SIDE ALSO EXPRESSED ITS OPINION THAT CONSIDERABLE PROGRESS HAD BEEN MADE TOWARDS REACHING AN ACCEPTABLE GROUND ON SEVERAL OUTSTANDING SUBSTANTIVE ISSUES, AND THAT THE FUTURE OF THE NEGOTIATIONS SHOULD BE VIEWED IN AN OPTIMISTIC LIGHT. THERE WAS NOT SPECIFIC DISCUSSION AS TO TIME AND PLACE OF THE THIRD ROUND; HOWEVER, DCM GROVE STATED THAT IT MOST LIKELY WOULD BE HELD IN WASHINGTON.

3. AS SET FORTH IN DETAIL IN THE ANNEX TO THE PROTOCOL, BOTH SIDES REACHED AGREEMENT ON THE EXTENT TO WHICH SPECIFIC ARTICLES OR PROVISIONS OF ARTICLES REMAINED OPEN, REQUIRING FURTHER CONSIDERATION ON ONE OR BOTH SIDES, OR REQUIRING ONLY REFINEMENTS IN DRAFTING.

4. LEAVING ASIDE THE DEFINITION OF NATIONALITY QUESTION, THE MAJOR AREAS OF SUBSTANCE WHICH WILL HAVE TO BE TAKEN UP DURING THE NEXT ROUND RELATE TO THE PERFORMANCE OF NOTARIAL AND ESTATES FUNCTIONS. THERE WAS CONSIDERABLE DISCUSSION ON THE NEEDS AND DESIRES OF BOTH SIDES ON THESE MATTERS, AS WELL AS ON THE LIMITATIONS IMPOSED BY THE RESPECTIVE LEGAL SYSTEMS; HOWEVER IN BOTH OF THESE AREAS EACH SIDE HAS AGREED TO GIVE FURTHER CONSIDERATION TOWARDS FORMULATING LANGUAGE WHICH WOULD BE MUTUALLY ACCEPTABLE. THERE WAS NO FURTHER DISCUSSION OF THE GDR PROPOSAL FOR A DEFINITION OF NATIONALITY, AND THE GDR SIDE FAILED TO MENTION THIS SUBJECT IN ANY CLOSING REMARKS.

5. CONCERNING ATMOSPHERE, THE US SIDE NOTED THAT THE GDR DELEGATION HAD EXERCISED GREATER FLEXIBILITY DURING THE LAST FEW DAYS OF DISCUSSIONS, EXPRESSING GREATER WILLINGNESS TO COMPROMISE IN THE DIRECTION OF ACCEPTING US PROPOSALS ON BOTH SUBSTANCE AND DRAFTING. ON SEVERAL ARTICLES THE GDR SIDE HAS AGREED TO RECONSIDER THE ORIGINAL US PROPOSALS

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AS WELL AS REDRAFTS TABLED BY THE US DELEGATION. THE GDR SIDE SEEMS ANXIOUS TO CONTINUE THE NEGOTIATION OF THE CONSULAR CONVENTION TO ITS CONCLUSION, AND STATED DURING THE LAST SESSION THAT IT WAS OPTIMISTIC THAT A SUCCESSFUL OUTCOME WOULD BE ACHIEVED. COOPER

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